

Application No. 09/707,335
Amdt. dated February 28, 2005
Reply to Office Action of August 26, 2004

REMARKS

Claims 1-15 and 38-43 are pending in the application with Claims 1, 11 and 38 being independent claims. The Examiner rejected the claims under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,590,529 to *Schwoegler* ("*Schwoegler*").

Schwoegler describes a "location specific weather forecasting system." Column 1, lines 12-13. *Schwoegler* makes numerous references to its generation and use of forecast data. For example, Figure 3 illustrates a forecasting subsystem and Figure 5 illustrates generating forecasts by sector (step 102). In rejecting the claims, the Examiner relied upon a section of *Schwoegler* (Column 13, lines 47-57) that describes a "weather related announcement by a vendor, such as 'Home Depot sees rain ahead . . . get your lawn fertilizer spread.'" However, *Schwoegler* does not provide any details about how such a weather related announcement is created or provided and it is submitted that the announcement is based on forecast data.

In contrast, Claim 1 requires tagging data to weather conditions, so that different data is tagged to different weather conditions, determining the real-time weather data that is associated with a particular geographic location and selecting data that corresponds to the real-time weather data and Claim 11 requires associating advertisements with weather conditions, detecting real-time weather conditions and selecting an advertisement based on the real-time weather conditions. *Schwoegler* does not describe these elements of Claims 1 and 11. In particular, *Schwoegler* does not describe tagging a weather related announcement to weather conditions. Nor does *Schwoegler* describe using real-time weather data to select an announcement. *Schwoegler* describes a weather forecasting system and it is submitted that the weather related announcement is based on forecasted weather conditions.

A disadvantage of providing an advertisement or announcement based on forecasted conditions is that the forecast may be incorrect. For example, a Florida resort may believe that it will be easier to attract visitors to the resort when it is cold and snowy in many parts of the country and thus, may purchase an advertisement based on forecasted conditions (e.g. January will be cold and snowy). However, if the forecast is incorrect and the advertisement

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is played on an unusually warm day, then the advertisement does not have its intended impact. The present invention avoids this problem by basing the selection of the data or advertisement on real-time weather data.

In rejecting Claim 38, the Examiner cited Column 7, lines 27-39 of *Schwoegler*. The cited section of *Schwoegler* describes that a user can set an alarm and request notification of impending precipitation or lighting. The system stores the "device phone number and location" (Column 7, lines 31-32) upon receiving the user's request. Figure 19 illustrates the process for setting an alarm. Alarms are only set in response to a user request (step 930). Once set, the system looks for alarms in sectors that correspond to the users' requests. As shown in step 940, the system reviews weather forecasts to identify an alarm. Figure 20 illustrates the type of message that is presented to the user. The user can select the message and receive additional weather forecasting information, as shown in Figures 1 and 2. Column 14, lines 62-65.

Claims 38 recites monitoring the real-time weather conditions at the consumers' geographic locations to detect triggerable conditions and in response to detecting triggerable conditions, selecting recommendations to issue. In contrast to *Schwoegler*, which uses forecast conditions, Claim 38 recites the use of real-time weather conditions. In addition, Claim 38 does not require that a user set an alarm, as required by the system described by *Schwoegler*. Thus, *Schwoegler* does not describe the invention of Claim 38.

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CONCLUSION

If there are any issues that can be resolved via a telephone conference, the Examiner is invited to contact Brenda Holmes at 404.685.6799.

Respectfully submitted,



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PATENT APPLICATION FEE DETERMINATION RECORD						Application or Docket Number 09/707,335	
Substitute for Form PTO-875							
APPLICATION AS FILED - PART I							
(Column 1)		(Column 2)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)	
BASIC FEE (37 CFR 1.15(a), (b), or (c))	N/A	N/A	N/A		N/A	710	
SEARCH FEE (37 CFR 1.16(a), (i), or (m))	N/A	N/A	N/A		N/A		
EXAMINATION FEE (37 CFR 1.16(a), (p), or (q))	N/A	N/A	N/A		N/A		
TOTAL CLAIMS (37 CFR 1.16(n))	64	minus 20 = .44	x	=	x 18	= 792	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	9	minus 3 = .6	x	=	x 80	= 480	
APPLICATION SIZE FEE (37 CFR 1.16(e))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))			N/A		N/A		
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL		TOTAL	1982	
APPLICATION AS AMENDED - PART II							
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)
Total (37 CFR 1.16(n))	64	Minus 64	= 0	x	=	x 18	= 0
Independent (37 CFR 1.16(h))	9	Minus 9	= 0	x	=	x 88	= 0
Application Size Fee (37 CFR 1.16(e))							
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))			N/A		N/A		
			TOTAL ADD'L FEE		TOTAL ADD'L FEE	0	
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY	
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)
Total (37 CFR 1.16(n))	64	Minus 64	= 0	x	=	x 50	= 0
Independent (37 CFR 1.16(h))	9	Minus 9	= 0	x	=	x 200	= 0
Application Size Fee (37 CFR 1.16(e))							
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))			N/A		N/A		
			TOTAL ADD'L FEE		TOTAL ADD'L FEE	0	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete. Including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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